

APPLICATION GRANTED

SO ORDERED

VERNON S. BRODERICK

U.S.D.J. September 5, 2023

LAW GROUP, P.C.

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Briefing shall take place on the schedule proposed by the parties in this letter. The Clerk of Court is respectfully directed to close the motions at Docs. 43 and 44.

September 1, 2023

BY ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall
United State Court House
40 Foley Square
New York, New York 10017

Re: Lori Ostenfeld v. The Guardian Life Insurance Company of America, et al.
Case No. 22-cv-08265 (VSB)

Dear Judge Broderick:

This office represents plaintiff in the above referenced action. Previously, the Court adopted, by Order dated July 27, 2023 (ECF No.41), the parties' proposed schedule with regard to the exchange of information concerning proposed redactions and the briefing of motions for summary judgment. That schedule provides as follows;

1. Plaintiff shall inform defendants of her proposed redactions to the administrative record no later than August 8, 2023;
2. Defendants shall respond to plaintiff's proposed redactions no later than August 16, 2023;
3. Any motion by plaintiff seeking leave to file, or seeking to compel the filing of, redacted documents shall be filed no later than September 6, 2023;
4. Any party seeking to file a motion for summary judgment shall file their motion no later than 10 days after entry of the Court's order determining plaintiff's motion concerning the filing of redacted documents, or, in the event plaintiff has not so moved, no later than September 16, 2023;

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5. Opposition to motions for summary judgment, if any, shall be filed no later than 30 days after the filing of the summary judgment motion to which the opposition is directed;
6. Replies in further support of motions for summary judgment shall be filed no later than 15 days after the filing of the opposition papers to which the reply is directed.

We write for the purpose of making an application, pursuant to § 1 (G) of you Individual Rules, for a modification of the Oder to provide an extension of one week of the deadline (1) for plaintiff to file a motion for leave to file, or seeking to compel the filing of, redacted documents (¶3); and (2) for any party to file a motion for summary judgment in the event plaintiff has not so moved.

In the event this application is granted, the revised schedule would be as follows;

3. Any motion by plaintiff seeking leave to file, or seeking to compel the filing of, redacted documents shall be filed **no later than September 13, 2023**;
4. Any party seeking to file a motion for summary judgment shall file their motion no later than 10 days after entry of the Court's order determining plaintiff's motion concerning the filing of redacted documents, or, in the event plaintiff has not so moved, **no later than September 25, 2023**;
5. Opposition to motions for summary judgment, if any, shall be filed no later than 30 days after the filing of the summary judgment motion to which the opposition is directed;
6. Replies in further support of motions for summary judgment shall be filed no later than 15 days after the filing of the opposition papers to which the reply is directed.

This application is necessitated by the fact that I have been contending with a medical issue over the last week which has compromised my ability to meet the existing deadline for plaintiff to move for a redacted record. Defendants consent to the modification and there have been no previous extensions.

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We thank the Court for its consideration of this application.

Respectfully submitted,

/s/

Wayne J. Schaefer

cc: Counsel of Record (by ECF)